

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CYNTHIA STEPIEN on behalf of herself and her minor child; STAMATIA DIMATOS SCHRECK, on behalf of herself and her three minor children; RYAN CODY, on behalf of himself and his minor child J.C.; KELLY FORD on behalf of herself and her minor child A.F.; GABE MCMAHON; M.F.; M.K.N.; K.B.; B.W.; L.R.; J.V.P.; V.P.; D.M.; B.M.; A.M.; DANIELLE ESCAYG; and ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

v.

Civ. No. 21-13271

PHILIP D. MURPHY, Governor; ANGELICA ALLEN-McMILLAN, Commissioner of Education; JUDITH M. PERSICHILLI, Commissioner of Health,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER having been opened to the Court by Bruce I. Afran, Esq., counsel for plaintiffs; and the Court having considered the Second Amended Complaint, the brief in support of the application for permanent or temporary injunctive relief and the supporting declarations;

AND IT APPEARING that the summons and complaint in this matter, originally filed on July 7, 2021, have not been served on defendants;

AND PLAINTIFF HAVING REPRESENTED that the challenged executive order was dated August 6, 2021, approximately 3 1/2 weeks ago;

AND PLAINTIFF HAVING FILED an application for injunctive relief on August 30, 2021, citing the scheduled beginning of the school year on September 10, 2021, as grounds for emergent relief;

IT IS, this 31st day of August, 2021

ORDERED as follows:

1. Plaintiffs' counsel shall serve the original Complaint, First Amended Complaint, Second Amended Complaint, and Summons, as well as all papers in support of this injunctive application and this Order, upon

defendants by the means authorized by the Federal Rules of Civil Procedure by close of business today;

2. Plaintiffs' counsel shall also, by close of business today, serve a second copy of the same papers by electronic means calculated to reach counsel for defendants promptly;
3. Defendants shall file any opposing papers by close of business on September 8, 2021;
4. No reply is authorized;
5. Counsel for the parties shall appear by video conference, to be arranged with the clerk, on September 9, 2021, at 2 pm, at which time the defendants shall show cause why temporary or, if appropriate, preliminary injunctive relief should not be granted as requested, enjoining the enforcement of Executive Order 251 and such parts of Executive Order 253 as pertain to the requirement of masking in the public schools.

/s/ Kevin McNulty

Hon. Kevin McNulty
United States District Judge